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14 IN THE UNITED STATES DISTRICT COURT
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16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 CASE NO. 1:22-CR-00309-ADA-DAM

19 Plaintiff,

20 STIPULATION REGARDING EXCLUDABLE
21 TIME PERIODS UNDER SPEEDY TRIAL ACT;
22 ORDER

23 v.

24 LUIS MAURICIO CASTENON

25 CURRENT DATE: August 14, 2024.

26 BRYAN STEVEN REYES,

27 TIME: 1:00 p.m.

28 Defendant.

COURT: Hon. Barbara A. McAuliffe

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28 **STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO CASTENON, by and through defendant's counsel of record, Anthony Capozzi, and BRYAN STEVEN REYES, by and through defendant's counsel of record, Mark Coleman, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 14, 2024.
2. By this stipulation, defendant now moves to continue the status conference until September 11, 2024 and to exclude time between August 14, 2024., and September 11, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts that discovery in this matter has been provided to both defendant's counsel. However, Mr. Reyes only came into federal custody in October 2023, Mr.

1 Coleman is continuing to review the discovery related to Mr. Reyes and conduct his own
2 investigation. Mr. Coleman sent subpoenas and is in the process of ongoing investigation related
3 to the discovery Mr. Coleman has reviewed. Mr. Capozzi likewise is conducting ongoing
4 investigation. The government is aware of its ongoing discovery obligations.

5 b) The parties are engaging in further discussions regarding a resolution of the case.
6 The Government provided revised plea offers to both defendants on August 2, 2024, and their
7 counsel requires additional time to discuss the plea offers with their clients.

8 c) In addition, Mr. Capozzi has been in three jury trials since April of this year. He
9 requires additional time to discuss the revised plea with his client and conduct his own
10 investigation.

11 d) Counsel for the defendants desire additional time to consult with their clients, to
12 review the current charges, to conduct investigation and research related to the charges, to review
13 and/or copy discovery for this matter, to discuss potential resolutions with their clients, to
14 prepare pretrial motions, and to otherwise prepare for trial.

15 e) Counsel for the defendants believe that failure to grant the above-requested
16 continuance would deny them the reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence.

18 f) The government does not object to the continuance.

19 g) Based on the above-stated findings, the ends of justice served by continuing the
20 case as requested outweigh the interest of the public and the defendant in a trial within the
21 original date prescribed by the Speedy Trial Act.

22 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
23 et seq., within which trial must commence, the time period of August 14, 2024. to September 11,
24 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
25 results from a continuance granted by the Court at defendant's request on the basis of the Court's
26 finding that the ends of justice served by taking such action outweigh the best interest of the
27 public and the defendant in a speedy trial.

28 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the

1 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
2 must commence. IT IS SO STIPULATED.

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4 DATED: August 1, 2024

PHILLIP A. TALBERT
United States Attorney

5 By: /s/ Arin C. Heinz
6 ARIN C. HEINZ
7 Assistant U.S. Attorney

8 DATED: August 1, 2024

9 By: /s/ Anthony Capozzi
10 ANTHONY CAPOZZI
11 Attorney for Defendant
12 LUIS MAURICIO CASTENON

13 DATED: August 1, 2024

14 By: /s/ Mark Coleman
15 MARK COLEMAN
16 Attorney for Defendant
17 BRYAN STEVEN REYES

ORDER

18 IT IS SO ORDERED that the status conference is continued from August 14, 2024, to **September
19 11, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.** Time is
20 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). The Court will not grant further continuances,
21 absent good cause, which will be narrowly construed, and will set a trial date at the next status conference
22 if the case is not resolved in advance of that status hearing.

23 IT IS SO ORDERED.

24 Dated: August 8, 2024

/s/ Barbara A. McAuliffe

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28 UNITED STATES MAGISTRATE JUDGE